

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1, P.O. BOX 13888
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POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1, B.P. 13888
2501 EW LA HAYE, PAYS-BAS
TELEPHONE: 31 70 512-5000
TÉLÉCOPIE: 31 70 512-8637**Case No. IT-09-92-PT*****Prosecutor v. Ratko Mladić*****PUBLIC****DECISION****THE REGISTRAR**

NOTING the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993), and in particular Article 21 thereof;

NOTING the Rules of Procedure and Evidence as adopted by the Tribunal on 11 February 1994, as subsequently amended ("Rules"), and in particular Rules 44 and 45 thereof;

NOTING the Directive on the Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended ("Directive"), and in particular Articles 11(B), 14(C), 16(C) and 16(D), thereof;

NOTING the Code of Professional Conduct for Counsel Appearing Before the International Tribunal ("Code of Conduct"), and in particular Articles 9 and 14 thereof;

NOTING that Mr. Ratko Mladić ("Accused") was transferred to the seat of the Tribunal on 31 May 2011;

NOTING that on 1 June 2011, pursuant to Rule 45 and Rule 62(B) of the Rules, the Registrar assigned Mr. Aleksandar Aleksić, attorney at law from Serbia, as duty counsel to the Accused for the purposes of his initial appearance and for such other matters as necessary until a permanent counsel is assigned;

NOTING that the Accused has applied for the assignment of Tribunal-paid counsel pursuant to Articles 7 and 8 of the Directive on the basis that he does not have sufficient means to remunerate counsel;

CONSIDERING that on 22 July 2011, acting pursuant to Article 11(B) of the Directive, the Deputy Registrar assigned Mr. Branko Lukić, attorney at law from Serbia, as lead counsel to the Accused for a period of 120 days, determining that an interim assignment of counsel was necessary to ensure that the Accused's right to counsel was not affected while the Registry examines his ability to remunerate counsel;

CONSIDERING that on 18 November 2011 the Acting Deputy Registrar extended Mr. Lukić's assignment as counsel to the Accused for an additional period of 120 days effective as of 19 November 2011;

CONSIDERING that the Registry is conducting an inquiry into the Accused's ability to remunerate counsel and that the inquiry is still in progress;

CONSIDERING that on 15 December 2011 Mr. Lukić submitted a request for assignment of Mr. Miodrag Stojanović, Attorney at Law from Bosnia and Herzegovina, as his co-counsel;

NOTING Article 16(C) of the Directive, which provides that the Registrar may assign a second counsel to assist with the defence of the accused in the interests of justice and at the request of lead counsel;

CONSIDERING that Mr. Stojanović has previously represented Messrs Dragan Jokić (IT-02-60) and Ljubomir Borovčanin (IT-05-88) in proceedings before this Tribunal;

CONSIDERING that in correspondence dated 20 December 2011, the Registrar expressed his concerns regarding a potential conflict of interest as a result of Mr. Stojanović's ongoing duty of loyalty to former clients, and requested him to address the Registry on these issues;

CONSIDERING that on 22 December 2011, Mr. Stojanović provided his written submission addressing any potential conflict of interest arising from his former representation of other accused before the Tribunal;

CONSIDERING that Mr. Stojanović meets all the qualification requirements for counsel under Rule 45 of the Rules, but does not fulfil the language requirement contained in Rule 44(A)(ii) of the Rules;

NOTING Article 16(D) of the Directive, which provides that where the interests of justice so require, the Registrar may assign co-counsel who does not speak either of the two working languages of the Tribunal but who speaks the native language of the suspect or accused;

CONSIDERING that on 28 December 2011, the Registrar requested Mr. Branko Lukić to provide further information as to why it is in the interests of justice to waive the language requirement in this particular case;

CONSIDERING that Mr. Lukić submitted a written response to this request to the Registrar on 11 January 2012;

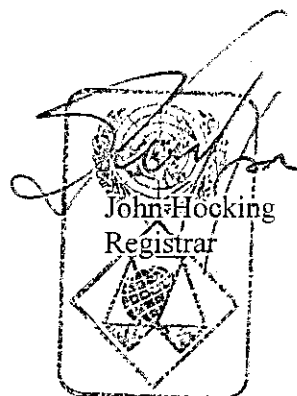
CONSIDERING the arguments submitted by Mr. Lukić, that Mr. Stojanović who is currently assigned to the defence team in a support staff role, possesses unique expertise and skills that are of significant importance to the preparation of the defence case, and has a professional background that complements that of lead counsel, which are relevant considerations in relation to a determination by the Registrar pursuant to Article 16(D) of the Directive;

CONSIDERING that the Trial Chamber Judgement in the case against Mr. Ljubomir Borovčanin (IT-05-88-T) was delivered on 10 June 2010, that no Notice of Appeal was filed, and that on 20 February 2012 Mr. Borovčanin provided his written consent to the proposed assignment of his former counsel;

CONSIDERING that the Registrar is satisfied, based on all the information before him, that waiving the language requirement on behalf of Mr. Stojanović in order to assign him as co-counsel, is in the interests of justice in this case;

CONSIDERING that Mr. Stojanović has indicated his willingness to be assigned as co-counsel to Mr. Lukić;

HEREBY DECIDES to assign Mr. Stojanović as co-counsel to Mr. Lukić effective as of the date of this decision.



John Hocking
Registrar

Dated this 23rd day of February 2012
At The Hague,
The Netherlands.